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C O N F I D E N T I A L SECTION 01 OF 04 KAMPALA 000095

SIPDIS

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SUBJECT: UGANDA: ELECTORAL COMMISSION FALLS FLAT, AGAIN

CLASSIFIED BY: Aaron Sampson, Pol/Econ Chief; REASON: 1.4(B), (D)

¶1. (C) Summary: The opposition Forum for Democratic Change (FDC) party narrowly defeated the ruling National Resistance Movement (NRM) in a February 15 by-election marred by mismanagement, rain, and a shoot-out involving the Minister of Housing's bodyguard. The FDC attributed its victory to superior organization and the government's inability to rig the election due to the presence of international observers led by the U.S. Mission. The NRM dismissed the outcome as a gift to the FDC from the disgruntled NRM member who siphoned off critical NRM votes by running as an independent. The Electoral Commission once again disenfranchised voters through mismanagement of the voter registry and polling stations. Citing the U.S. congressional reporting requirement, the Commission refused to provide the Mission with information related to the Mbale by-election and directed the Mission to route requests for election related material via the Ministry of Foreign Affairs. End Summary.

Opposition Holds on to Mbale Seat

¶2. (SBU) The FDC narrowly maintained its parliamentary seat from the eastern town of Mbale on February 15, defeating the NRM by less than 1,000 votes. The Mbale seat opened in December when FDC member Wilfred Kajeke resigned in disgust over the NRM-dominated Parliament's failure to tackle government corruption. Kajeke accused the NRM of "mortgaging Uganda" and vowed not to return to the legislative body as long as the NRM remains in power. Kajeke's resignation offered the NRM an opportunity to capture one of the FDC's 39 parliamentary seats and embarrass the Chairman of the Parliamentary Accounts Committee (PAC), Mbale-native and FDC member Nadala Mafabi, who is spearheading Parliament's investigation into the massive Commonwealth Heads of Government Meeting (CHOGM) corruption scandal (ref. A).

¶3. (SBU) Internal squabbles over the NRM's method of selecting a candidate to run for Kajeke's seat, however, resulted in one official NRM candidate and a second NRM-affiliated independent candidate. In the campaign's final days, President Museveni and several Ministers travelled to Mbale to convince the NRM "independent," Shinyabulo Mutende, to withdraw for the good of the party. Accusing the NRM of rigging its own internal primary, Mutende refused and garnered just enough votes - 1,199 (12%) - to force the NRM's official candidate into second place with 3,875 (38%) votes. FDC candidate Jack Wamanga Wamai won with 4,776 (47%) votes. The election's participation rate was approximately 25%.

Electoral Commission Follies

14. (SBU) With just 72 polling stations all located within the town's city limits, the Mbale election should have been less complicated and cheaper than the January 19 Budiope by-election which involved 141 polling stations spread across an isolated and rural part of central Uganda (ref. B). However, as in that race, the Electoral Commission again finalized the voter registry only two days before election day, depriving opposition parties and voters of the ability to obtain copies of the registry or scrutinize its contents. The Uganda Peoples Congress (UPC) party, which purchased an out-of-date voter registry from the Commission prior to the election, did not receive an accurate copy until 11pm on election eve. Several FDC poll watchers reported discrepancies between unofficial registries sold to the FDC and official registries issued to poll workers on election day. Observers recorded numerous instances where poll workers turned away voters with voter cards because their name failed to appear on voter registries.

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15. (SBU) The Commission's inexplicable failure to alphabetize the voter registry resulted in major delays and confusion. One exasperated polling officer gave up trying to locate voter names on his registry, and resorted instead to reading the names of several hundred registered voters aloud before an increasingly frustrated crowd of potential voters (a security officer later fired into the air in front of this polling station to disperse angry crowds). Opposition parties also complained that the Commission neglected to invite opposition representatives to a Commission-funded January 13 training for poll workers, police, and NRM party delegates; that some local government officials were running various polling stations; that the Commission failed to provide opposition parties with sample ballots in advance of election day, resulting in ballots that depicted the FDC's skeleton key logo in black and white while the NRM's school bus logo appeared in color; and that the Commission's opaque reorganization of several polling stations disenfranchised voters. Election observers confirmed most, if not all, of these allegations.

And Then There Was the Shoot-Out

16. (SBU) In the days before the election, President Museveni and several Ministers travelled to Mbale to drum up support for the official NRM candidate and shame the rogue NRM independent candidate Mutende into withdrawing from the race. In response, Mutende accused the government of harassing and intimidating his supporters, and police arrested one Mutende booster for allegedly threatening supporters of the official NRM candidate with a gun. Meanwhile, FDC candidate Wamanga accused the government of harassing his supporters after police arrested 24 individuals on February 9, allegedly for refusing to close their shops during a campaign visit by Housing Minister Michael Werikhe. Wamanga also complained that Mbale's Resident District Commissioner (RDC) and District Internal Security Officer (DISO) hand picked presiding officers at certain polling stations to tilt the election in the NRM's favor.

17. (SBU) On election day, opposition leaders accused the government

of using the security forces to frighten voters and depress turnout. Several opposition leaders also accused Presidency Minister Beatrice Wabudeya and Housing Minister Werikhe of using their government vehicles and armed security details to intimidate voters at polling stations by threatening to record the names of those voting against the NRM. U.S. Mission observers did not see Ministers Wabudeya and Werikhe on election day, and were unable to substantiate these claims. However, local NGO observers recorded one instance of an unnamed NRM official with armed guards threatening poll workers.

18. (SBU) At 2pm, Minister Werikhe's vehicle became entangled with a vehicle belonging to the wife of NRM independent candidate Mutende in front of a particularly disorganized and tense cluster of polling stations in downtown Mbale. According to reliable eyewitness accounts, Werikhe's bodyguard descended from the Minister's vehicle and shot out the tires of Mutende's car, wounding one member of Mutende's entourage in the foot. In the ensuing chaos, Werikhe fled to the Mbale police station. Werikhe later escaped the mob assembled outside the police station by exiting through a back door. After the incident, a police spokesman told international observers that Werikhe's bodyguard fired warning shots into the air, and that the wounded individual's foot was punctured by a "sharp object." Police later said Werikhe ordered his bodyguard to fire in self defense. Werikhe claimed he never gave the order to fire, and that the bodyguard fired into the air.

Fraud Deterrents

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19. (SBU) Applying lessons learned from the January 19 Budiope by-election, where more than 20% of polling stations carried by the NRM reported impossibly inflated participation rates, the FDC paired one local poll watcher with one trusted party operative at each of Mbale's 72 polling stations to prevent NRM payoffs of FDC poll workers. A contingent of approximately 20 international and local observers served as an additional check, likely visiting each polling station at least once on election day. In general, poll workers and party delegates appeared dedicated and cheerful despite less than ideal circumstances, organizational problems, and sporadic rain. However, there were isolated incidents of fraud and malfeasance.

110. (SBU) For instance, the Electoral Commission re-named and re-located one polling station for unexplained reasons just days before the election. When U.S. observers finally located this station at 11:30 am, participation rates were already nearly triple the average turnout rates at other polling stations, even though no one in Mbale seemed to be aware of this polling station's location. This was the only station where we observed newly registered voters with registration slips issued in January 2010, and the Director of the European-funded \$20m Deepening Democracy Project later noted that the Commission was unable to explain the unusual addition of 100 new voters to this polling station. Turnout at this station mysteriously dropped to near zero after our arrival, and final results revealed this station as a significant outlier, with a remarkable 89% of votes cast in favor of the NRM.

111. (SBU) The atmosphere at the cluster of polling stations where the Werikhe shooting occurred was particularly tense. An opposition poll watcher at one of these stations told the Mission that the station's presiding officer tried to pressure fellow poll workers to sign the final tally sheet in the morning, before voting even began. A subsequent procedural "error" by a presiding officer at a

separate station led the Electoral Commission to void results from the entire polling station. A particularly aggressive presiding officer at a third polling station repeatedly challenged observers to show proof of identification and accreditation. A procedural "error" by this presiding officer later led the Commission to also void all ballots from this station.

¶12. (SBU) Failures by presiding officers to properly complete tally sheets or seal results envelopes resulted in the disqualification of results from four polling stations. The FDC claimed its candidate carried each of these stations, and accused presiding officers and the Electoral Commission of conspiring to disenfranchise opposition voters. On February 21, FDC spokesman Wafula Oguttu attributed his party's narrow victory to the vigilance of FDC poll watchers, the U.S. congressional directive to monitor preparations for the February 2011 presidential election, and the presence of foreign observers.

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Electoral Commission: No Info for You
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¶13. (SBU) Prior to the Mbale election, the Commission's Secretary Sam Rwakoojo repeatedly refused to release budget information for the Mbale by-election or the 2011 general elections to the U.S. Mission. Rwakoojo also refused to provide the Mission with copies of the final results for Mbale, first instructing the Mission to send a request in writing, and then responding with a February 18 letter instructing the Mission to channel all requests for election-related information via the Ministry of Foreign Affairs. Rwakoojo told PolOff that the Commission believes the Foreign Ministry should be aware of any information shared with the U.S. Mission due to the congressional reporting requirement. As of February 24, Rwakoojo had also refused to share the Mbale results and budget information with European donor partners.

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Comment: Electoral Commission Shoots Itself in the Foot, Again
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¶14. (C) The atmosphere in Mbale was particularly tense. In the evening after voting ended, security forces twice fired into the air to disperse crowds gathered around the Electoral Commission's tallying center in downtown Mbale. The Commission's penchant for last minute changes to the voter registry once again undermined an election's credibility. These opaque changes needlessly raised the suspicions of opposition parties and disenfranchised voters. U.S., U.K., and Dutch observers were disappointed by the Commission's passive response to legitimate allegations of voter intimidation and electoral malfeasance on election day, as well as the clearly duplicitous claims by government officials that Minister Werikhe's body guard shot only into the air and that the wounded individual was injured not by a bullet but by a sharp object.

¶15. (C) In a February 23 editorial entitled "Voter Registers: Are the EC and NRM Bedfellows?", the FDC's parliamentary opposition leader Morris Ogenga Latigo observed that the Commission can disenfranchise more than 700,000 voters by merely striking - or

adding - 20 to 50 voters at each of Uganda's 20,000 polling stations. The Budiope and Mbale by-elections suggest that minor alterations at the micro level are already underway. FDC spokesman Oguttu's assessment of the Mbale contest is probably correct: the vigilance of FDC poll watchers and presence of international observers likely prevented additional and more widespread fraud. Uganda's next parliamentary by-election is in March in Kabale along Uganda's border with Rwanda. An additional by-election will also occur in Arua in northern Uganda to replace a parliamentarian who died unexpectedly of natural causes on February 21.

HOOVER